

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL NO. 1:14CV23-FDW-DSC**

BRUCE S. COTTON, JR.,
Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

)
)
)
)
)
)
)
)
)
)
)

ORDER

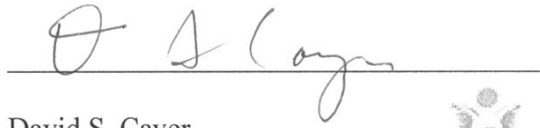
THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Petition for Attorney Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412” (document #16) filed October 17, 2014.

The parties agree in this case that Plaintiff should be awarded attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$3,700.

IT IS THEREFORE ORDERED that the “Plaintiff’s Petition for Attorney Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412” (document #16) is GRANTED, to the extent that the Court will award attorney’s fees in the amount of \$3,700. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 2521, 177 L.Ed.2d 91 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine within thirty days of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff’s counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff’s counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: October 22, 2014

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

